

Application No.: 10/801,156

Docket No.: 66703-0015

The present restriction requirement is in error, in particular because the Examiner has not met the burden of showing that "that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search." MPEP § 808.02. In fact, the Examiner admitted in the Office Action (page 2) that the subject matter of both of the above claim groups is classified in class 705. The Examiner did not indicate that the two claim groups included subject matter requiring a search of different sub-classes. Accordingly, there has been no showing that restriction is required because the allegedly different inventions require different fields of search. Therefore, the Examiner has further failed to demonstrate that there would be a serious burden on the Examiner in examining all claims together. The restriction requirement should be withdrawn for at least these reasons.

Further, it is respectfully submitted that the subject matter of both claim groups is sufficiently related that a thorough search for the subject matter of one of the groups would encompass a search for the subject matter of the other group. For example, compare independent claim 39 with independent claim 44. Further, see MPEP § 803, which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66703-0015 from which the undersigned is authorized to draw.

Dated: January 25, 2007

Respectfully submitted,

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